

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Jonathan Houck with Mayor Pro-Tem Harriman, Councilors Drexel, and Seymour present along with City Attorney Landwehr, City Manager Coleman, Deputy City Clerk Kindall, Community Development Director Westbay, WSC Liaison Edwards, several interested citizens and the press. A Council quorum was present.

**Consideration of Minutes:****Regular Session Meeting Minutes of August 30, 2011.**

Mayor Pro-Tem Harriman moved and Councilor Drexel seconded the motion to approve the Regular Session Meeting minutes of August 30, 2011, as submitted.

Roll call vote, yes: Drexel, Harriman, Houck, Seymour. Motion carried.

Roll call vote, no: None.

**Special Session Meeting Minutes of September 6, 2011.**

Mayor Pro-Tem Harriman moved and Councilor Seymour seconded the motion to approve the Special Session Meeting minutes of September 6, 2011, as submitted.

Roll call vote, yes: Harriman, Houck, Seymour, Drexel. Motion carried.

Roll call vote, no: None.

Councilor Nesbitt arrived at 7:04 P.M.

**Pre-Scheduled Citizens:** None.

**Unfinished Business:** None.

**New Business:**

**Action on Van Tuyl Ranch Colorado Department of Parks & Wildlife Trail Easements.** CD Director Westbay briefly reviewed the easement that was discussed at the last Work Session. City Attorney Landwehr pointed out that the term of the easement is for a period of 20 years and will automatically renew unless revoked by the Department of Parks and Wildlife. There were no changes in the agreement since the last Work Session.

Councilor Nesbitt moved and Mayor Pro-Tem Harriman seconded the motion to approve the Mayor's signature on the Van Tuyl Ranch Trail Easement agreement with the Colorado Department of Parks and Wildlife.

Roll call vote, yes: Houck, Seymour, Nesbitt, Drexel, Harriman. Motion carried.

Roll call vote, no: None.

**Van Tuyl Ranch Annexation Update.** CD Director Westbay and City Manager Coleman updated Council about the Annexation. Both think that it would be prudent to take a step back and address the topics brought forth by the Council last week, those being the Phase 1 site assessment and further conversations with the Starikas and the Weavers about the annexation. Director Westbay briefly reviewed the process of a Phase 1 site assessment. ASTM (American Society for Testing and Materials) standards will be followed for the Phase 1 site assessment; that will include a site reconnaissance, interview key members of the community who have a history and knowledge of the property, and a detailed review of environmental impact reports or hazardous material reports. Director Westbay will do the Phase 1 site assessment. It will take about a month to prepare this document. They will consult with City Attorney Landwehr about the process for amending any future land uses on the property. The Master Plan has been approved for that property and would need to be amended if the use of the property is to be changed. The zoning process is a part of the Master Plan as well. The exemptions to the requirements that were brought forward by Director Westbay at the last Work Session would also be included in the document; some of which were the Geotechnical study, initial agreement, and Phase 1 site assessment as well as any other exemptions requested. We want to hold ourselves to the same standard as anyone else in the city.

City Attorney Landwehr highlighted some of the important points in his memo that gives an overview of the statutory annexation process. There are two types of petitions: 1) is a petition for annexation and 2) is a petition for an annexation election. The principal criteria are whether there is sufficient contiguity between the existing boundary of the City and between the parcel to be annexed. One-Sixth of the boundary of the property to be annexed must be contiguous to the existing boundaries of the City. Annexation is a discretionary act of the City Council. You do not

have to do an annexation just because you've been petitioned. Zoning is an important issue. Zoning must happen within 90 days. Because the City is in a stronger bargaining position for the zoning process before the property is annexed, it is suggested that zoning happens at the same time you do the annexation. That way if you can't agree on both of them, then don't annex. There are requirements by the City once the petition is referred to Council by the City Clerk, including a Public Hearing, an Annexation Impact Report, determination of the sufficiency of the property, and an Annexation Agreement.

It is estimated that the Annexation in its entirety will take approximately seven months.

Councilor Nesbitt feels that there is a conflict of interest if the City does the Phase 1 environmental site assessment in-house. Mayor Pro-Tem Harriman was also concerned about the perception by others if the City does the environmental assessment themselves. City Manager Coleman understands these concerns and was thinking of the cost to the City if a third party was hired to do it, however, if Council would like to see a third party do the assessment we will certainly do as directed by Council. A brief discussion ensued. A suggestion was to have the assessment done in-house and then have everything reviewed by a third party. Staff will check into this to see if it is possible.

#### **Ordinances and Resolutions:**

**Ordinance No. 8, Series 2011; Re: Vacation of a Portion of East Bidwell Avenue; 1<sup>st</sup> Reading.** City Manager Coleman briefly reviewed this ordinance that was discussed at the last Work Session. Mayor Pro-Tem Harriman introduced Ordinance No. 8, Series 2011, and it was read by title only by the Mayor.

Mayor Pro-Tem Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 8, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING PORTIONS OF WISCONSIN STREET, BIDWELL AVENUE AND MAIN STREET, CITY OF GUNNISON, STATE OF COLORADO; AND APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TERMS OF THE AGREEMENT FOR VACATION OF PORTION OF CITY RIGHT OF WAY AND GRANT OF EASEMENTS, DATED JUNE 28, 2011,** be introduced, read, passed and published on first reading this 13th day of September, 2011.

Roll call vote, yes: Seymour, Nesbitt, Drexel, Harriman, Houck. Motion carried.

Roll call vote, no: None.

**Ordinance No. 9, Series 2011; Re: South Main Street Utility Easements Vacation; 1<sup>st</sup> Reading.** City Manager briefly reviewed this ordinance that was discussed at the last Work Session. Mayor Pro-Tem Harriman introduced Ordinance No. 9, Series 2011, and it was read by title only by the Mayor. The typographical error of the word 'through' in the title of the Ordinance was pointed out and will be corrected.

Mayor Pro-Tem Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 9, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A TWENTY-FIVE FOOT UTILITY EASEMENT PREVIOUSLY RESERVED IN THAT PORTION OF THE EAST-WEST ALLEY LYING BETWEEN LOTS 13 THROUGH 17, BOTH INCLUSIVE, ON THE SOUTH, AND LOT 18 ON THE NORTH, BLOCK 133, AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY AND COUNTY OF GUNNISON, STATE OF COLORADO,** be introduced and read, passed, and published on first reading this 13<sup>th</sup> day of September, 2011, as corrected.

Roll call vote, yes: Nesbitt, Drexel, Harriman, Houck, Seymour. Motion carried.

Roll call vote, no: None.

**Resolution No. 14, Series 2011: Re: Gunnison County Library District November 1, 2011, Ballot Measures.** Mayor Pro-Tem Harriman introduced Resolution No. 14, Series 2011, and it was read by title only by the City Attorney. A brief discussion ensued. Councilor Nesbitt doesn't like the last sentence and feels that what's in one of the ballot measures is different from what Mr. Meredith told Council in the last week's Work Session. Councilor Harriman commented that we need to remember that if we vote for something like this we need to buy

local as that becomes very important. It was concluded that the few changes at the end of the resolution were requested by Council at the last Work Session.

Councilor Seymour moved and Councilor Drexel seconded the motion that Resolution No. 14, Series 2011, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUPPORTING THE GUNNISON COUNTY LIBRARY DISTRICT'S NOVEMBER 1, 2011, ELECTION BALLOT MEASURES**; be introduced, read, passed and adopted this 13<sup>th</sup> day of September, 2011, and copies be made available to the public.

Roll call vote, yes: Drexel, Harriman, Houck, Seymour. Motion carried.

Roll call vote, no: Nesbitt.

**City Attorney:** Rod Landwehr. Nothing to report.

**City Manager:** Ken Coleman reported that the Airport Triennial exercise, for emergency response to any incident that could be catastrophic, is Friday from 4:00-8:00 P.M. The Police Department is narrowing down the search for burglary suspects. Evans Street is being prepared for paving. A request for bids for the road base for building trails went out and one bid was received. There were three bids for trail construction, Tex will meet with the low bidder to make sure they fully understand the scope of the work and have the equipment to do the work as his bid was brought in very close to the deadline. The trail route and the work needed were explained to Council in detail. Power poles are getting changed out. Hazardous trees are being removed by the Electric crew. He received a note today from USAPCC that they are about to release bidding on the 2012 stages. The local organizing committee is already planning on putting a proposal together for this. Due to the success of the event for the State, many more communities will be vying for the race to come to their community. The length of the event has been confirmed to be seven days, which is the same length of time as this year's event. The date of the event will be August 20-26, 2012. The City has had the water attorneys filing for water rights on what was Thompson Creek Mine and now is US Energy. We entered into opposition to stay informed of what the plan was; our main interest is the water quality. Water quality is an unusual stipulation in a water rights case. Now that it's back to US Energy should we stipulate on the water quality to them? Council agreed that we should. We would like this stipulation in writing. The bike rack at City Market: he has made contact with City Market but they haven't gotten back to him yet; most of the business in the strip mall were concerned that there wasn't enough room on the sidewalks for bike racks; since this is private property, the City needs permission from the owners of the property to put any bike racks up in a dedicated area. We are waiting to hear back from the owners of the property, Councilor Nesbitt stated that Tom Dill is the attorney for the owners of that property.

**Acting City Manager:** Tex Bradford. Absent.

**City Clerk:** Gail Davidson. Absent. Deputy City Clerk Kindall reminded that next week's Work Session is the Budget retreat and starts at 5:00 P.M. Also, the Youth City Council will be meeting this Sunday, the 18<sup>th</sup> at 5:30 P.M., City Manager Coleman and Mayor Houck will be speaking to the students to give them an overview on how the City government works. Any Councilors who would like to attend are always welcome.

**WSC Liaison:** Nicholas Edwards reported that SGA (Student Government Association) has a full senate now. The budget is an issue of SGA. WSC Homecoming work is happening now. This weekend is Headwaters Conference. The football game is WSC vs. Chadron at 1:00 P.M. this week. Volleyball is this Thursday and is the Tough Enough to Wear Pink event. It starts at 7:30 P.M. They also play on Friday at 7:00 P.M. and Saturday at 5:30 P.M. WSC track teams are doing great and are first and second in the Nation.

**Non-Scheduled Citizens:** None.

#### **City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Drexel:** Reported that he did not attend any meetings. He was asked when the ditches will be turned off and wanted to confirm that the date is September 30<sup>th</sup>.

**Mayor Pro-Tem Harriman:** Reported that the hats commemorating WSC Heritage are courtesy of WSC Foundation Director Tom Burgraff. She attended the WSC Advisory Council meeting

this morning. They have had a record number of visits and people at orientation, but enrollment is down. Proposition 103 on the upcoming ballot will help higher education and K-12 and Jay Hellman will support it; WSC has lost 25% of funding; work on the facilities is moving along; next year is an accreditation year; and Taylor Hall has been opened and will be re-dedicated on September 30th as a part of homecoming. Tex brought her a map that she had requested and she appreciated that. She also noticed that a lot of the pedestrian crossing signs are gone. City Manager Coleman explained that most have been destroyed, they are considering a different approach with curbside signs mounted on posts, the current signs are \$500 each and we've lost thousands so we're trying to think of other options. She also heard that City Manager Coleman did couple radio interviews during the bike race and they were excellent.

**Mayor Houck:** Reported that earlier this week he was able to do a Proclamation for Constitution Week. And just a reminder to RSVP to Gail for the upcoming CML meeting. The RTA meeting is 8:00 A.M. this Friday at the County Commissioners room.

**Councilor Seymour:** Attended the TA meeting this morning, they discussed setting up signs at County and/or Valley entrances and whether they can be put in CDOT right-of-way; a landowner East of town offered up his property for a sign, they also reviewed the Pro Cycling Challenge. He also wanted to say thank you to everybody who came to ice cream social for the library last Saturday.

**Councilor Nesbitt:** Reported that all his meetings were last week and he will be unable to attend the Friday meeting.

**Adjournment:** Mayor Houck called for any further discussion, and hearing none, adjourned the meeting at 8:14 P.M.

---

Mayor

---

Deputy City Clerk